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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,480	04/13/2001	Kun Zhang	GEMS8081.062	7330

27061 7590 06/04/2004

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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 06/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,480

Applicant(s)

ZHANG ET AL.

Examiner

Hosuk Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-13,24-28,30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolphin(US 5,677,953).

Claims 1,4,5,8,24: Dolphin disclose receiving an access request from a user of a remotely located device seeking access to an option resident in memory of the device in (col.5,lines 7-13). Dolphin discloses determining whether to grant limited access in response to the access request when a set of criteria has been met in (col.2,lines 46-51;col.5,lines 4-17;col.6,lines 25-30,34-37). Dolphin discloses generating an electronic enabler configured to permit access to the option in response to an access grant in (col.3,lines 1-10). Dolphin discloses transmitting the electronic enabler to the device in (col.3,lines 39-43). Dolphin discloses automatically enabling customer access to the option in the device in response to reception of the electronic enabler in (col.5,lines 13-18).

Claim 2: Dolphin discloses monitoring use of the option and providing a warning of an expiration of the access grant in (fig.8).

Claim 3: Dolphin discloses monitoring use of the option and providing a warning of an expiration of the access grant in (fig.8).

Claim 6: Dolphin discloses granting limited access on a pay-per-use period in (col.6,lines 25-30).

Claim 7: Dolphin discloses pay-per-use period comprises one of a fixed time period, particular days in a week, particular times of a day in (col.6,lines 43-48).

Claim 9: Dolphin discloses receiving the access request at a centralized facility from a remote user via a public communication interface in (fig.1).

Claim 10: Dolphin discloses steps in claim 1 are entirely automated at a centralized facility in (fig.1).

Claim 11: Dolphin discloses receiving a customer identifier from a customer and validating the customer via the customer identifier in (col.8,lines 11-17).

Claim 12: Dolphin discloses retrieving a customer status of the customer in (col.8,lines 3-9). Dolphin discloses denying the access request if the customer status is unqualified and granting the access request if the customer status is qualified in (col.12,lines 41-47).

Claim 13: Dolphin disclose unqualified includes one of a delinquent account, an exhausted line of credit, a poor credit history, and refusal to complete educational requirements and a customer status of qualified includes a non-delinquent account in (col.3,lines 39-45).

Claim 25: Dolphin discloses transmitting a renewal access request consistent with terms of a previous grant of limited access in (fig.13).

Claim 26: Dolphin discloses deny access to the option upon expiration of the limited access grant in (col.6,lines 25-48).

Claim 27; Dolphin disclose instructions to send the software key via one of a private communication interface and a public communication interface in (fig.1).

Claim 28: see claims 1 and 12-13.

Claims 30-31: Dolphin discloses software key is embedded with data that controls an expiration period of the option in (fig.8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-23,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin(US 5,677,953) in view of Hornbuckle(US 5,388,211).

Claim 15-17,22: Dolphin disclose a centralized facility located remotely from the device and having at least one access computer programmed to receive from a qualified customer a request to access and use the disabled option in (col.2,lines 46-51;col.5,lines 4-17;col.6,lines 25-30,34-37) and grant access and use, on a pay-per-use basis, of the disabled option for a predetermined time period in (fig.8,9). Dolphin dose not specifically disclose device having at least one disabled option resident on a computer programmed to control the device. Hornbuckle disclose device having at least one disabled option resident on a computer programmed to control the device in (col.2,lines 11-29 and col.3,lines 16-36). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ remote control device taught in Hornbuckle with system control disclosed in Dolphin in order to increase the difficult of a would be intruder to gain access to the computer. Further, access to the computer is made more difficult in response to invalid attempts.

Claim 18: Dolphin discloses transmitting the electronic enabler to the device in (col.3,lines 39-43).

Claim 19: Dolphin disclose transmitting an enabling software key to the device from a centralized facility;verify option access in the device and send a verification message to the customer confirming access in (col.3,lines 1-10).

Claim 20: Dolphin discloses sending an electronic verification of receipt of the access request in (fig.1).

Claims 14, 21,29: Dolphin does not specifically disclose device includes at least one medical imaging scanner. Official notice is taken that it is well known in the art to use medical imaging scanner. One of ordinary skill in the would have been motivated to use medical imaging scanner in order to improve efficiency data processing in health care facilities.

Claim 23: Dolphin disclose a computer of the device monitors access to the resident option and provides a warning of an expiration of customer access to the resident option prior to the expiration of an access grant in (fig.8).

Information Disclosure Statement

3. The information disclosure statement filed 5/18/2001 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

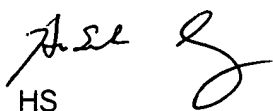
a. Noble et al.(US 4,672,533).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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